

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ROCHE DIAGNOSTICS CORPORATION,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	C.A. No. 13-cv-1936-VEC
	:	
ANALYTICAL DIAGNOSTICS LAB OF NEW YORK, INC. and ANALYTICAL DIAGNOSTICS LABORATORIES, INC.,	:	<b>JURY TRIAL DEMANDED</b>
	:	
Defendants.	:	

**NOTICE OF PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiff Roche Diagnostics Corporation, by and through its undersigned counsel, hereby moves under Fed. R. Civ. P. 56 for partial summary judgment striking Defendants’ Second Affirmative Defense and dismissing Defendants’ First Cause of Action of their Counterclaim. The factual and legal grounds for the Motion are set forth in the accompanying memorandum of law, which is filed contemporaneously herewith and incorporated herein by reference as if set forth in full.

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Further, pursuant to the Local Civil Rule 56.1, Plaintiff's Statement of Material Undisputed Facts in Support of its Motion for Partial Summary Judgment is annexed hereto as **Exhibit A** and incorporated herein by reference as if set forth in full.

Dated: July 31, 2014

Respectfully submitted,

By: /s/ Michael J. Barrie  
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- and -

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